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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

)
SAMANTHA ALARIO, et al.,)
)
Plaintiffs,)
and) CV 23-56-M-DWM
TIKTOK INC.,) CV 23-61-M-DWM
)
Consolidated Plaintiff,) **JOINT MOTION FOR SCHEDULE
FOR BRIEFING AND HEARING ON
PLAINTIFFS' AND
CONSOLIDATED PLAINTIFF'S
MOTIONS FOR PRELIMINARY
INJUNCTION**
)
v.)
AUSTIN KNUDSEN, in his official)
capacity as Attorney General of the)
State of Montana,)
)
Defendant.)
)

All parties, through their respective counsel, hereby respectfully move for an order entering a schedule for briefing and hearing preliminary injunction motions in this action.

In support of their motion, the parties state the following:

1. Following the filing of their respective complaints, counsel for Consolidated Plaintiff TikTok Inc. and Plaintiffs Samantha Alario, Heather DiRocco, Carly Ann Goddard, Alice Held, and Dale Stout (the “Creator Plaintiffs”) reached out to counsel for the Defendant regarding a schedule for briefing Plaintiffs’¹ motions for preliminary injunctive relief.

2. The parties respectfully submit that it would serve the interests of efficiency and judicial economy for both preliminary injunction motions to be considered on the same schedule.

3. Plaintiffs’ motions for preliminary injunction raise significant constitutional issues, and the parties expect that third parties may move for leave to file amicus briefs in support of or in opposition to Plaintiffs’ motions.

4. As part of their discussions, Defendant has informed Plaintiffs that Defendant intends to seek limited expedited discovery from Consolidated Plaintiff TikTok Inc. in advance of responding to Plaintiffs’ motions. To facilitate the

¹ Hereinafter, “Plaintiffs” refers collectively to Creator Plaintiffs and Consolidated Plaintiff.

discussion, on June 26, 2023, Defendant provided Plaintiffs with drafts of the specific discovery requests it wishes to serve on TikTok Inc., namely, fourteen interrogatories, two requests for production, and six requests for admission (the “Proposed Discovery Requests”). Defendant explained that its discovery requests are relevant to the sole issue of the State’s purported compelling interest in enacting SB 419, the legislation at issue in this litigation, which in the State’s view is relevant to Plaintiffs’ First Amendment claims. Defendant further offered to limit or remove certain of its Proposed Discovery Requests as part of the meet and confer process.

5. Plaintiffs believe that expedited discovery is unwarranted. Nevertheless, in the interest of limiting disputes before the Court, TikTok Inc. has agreed to provide limited discovery on an expedited basis, and more specifically to serve responses and objections to Defendants’ Proposed Discovery Requests reasonably in advance of the deadline for Defendant’s opposition to Plaintiffs’ preliminary injunction motions. TikTok Inc.’s agreement to respond to Defendant’s requests is without prejudice to Plaintiffs’ legal position that discovery is unwarranted.

6. The parties therefore respectfully request that Plaintiffs’ motions for preliminary injunction be briefed on the following schedule:

- a) Motions for preliminary injunction shall be filed by **July 7, 2023.**
- b) Consolidated Plaintiff TikTok Inc. shall serve responses and objections to Defendant's Proposed Discovery Requests by **July 21, 2023.**
- c) Motions for leave to file amicus briefs in support of the motions for preliminary injunction shall be filed by **August 4, 2023.**
- d) Defendant's briefs in opposition to the motions for preliminary injunction shall be filed by **August 18, 2023.**
- e) Motions for leave to file amicus briefs in opposition to the motions for preliminary injunction shall be filed by **September 1, 2023.**
- f) Plaintiffs' reply briefs shall be filed by **September 15, 2023.**
- g) A hearing to be scheduled following completion of the briefing at the Court's convenience.

7. The parties further respectfully request that Defendant's deadline to answer the complaints be extended to 30 days after the Court has ruled on the motions for preliminary injunction and all related appeals are resolved.

8. To expedite consideration of amicus briefs in connection with the parties' jointly proposed schedule, the parties agree they will not oppose any

timely filed amicus motions for leave that comply with the local rules and further agree to waive responses permitted by Local Rule 7.5(b)(3).

9. To further expedite the consideration of amicus briefs in connection with Plaintiffs' motions for preliminary injunction, the parties respectfully request that the Court require that proposed amicus briefs be filed within two business days of any order granting a request for leave. Alternatively, if the Court prefers and to the extent it would be consistent with Local Rule 7.5, the parties request that the Court require that proposed amicus briefs be separately lodged at the same time that a motion for leave is filed, with such briefs deemed filed should the Court grant leave.

Dated: July 5, 2023

Respectfully submitted,

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